

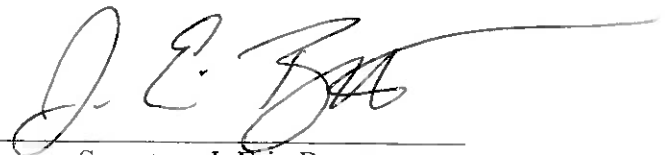
**BEFORE THE CHIEF INFORMATION OFFICER  
STATE OF NORTH CAROLINA  
DEPARTMENT OF INFORMATION TECHNOLOGY  
Proceeding No. 000-1000A**

<p>AMPLIFY EDUCATION, INC., Petitioner,</p> <p>v.</p> <p>NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION, IMAGINATION STATION, INC., Respondent.</p>	<p style="text-align:center"><b>ORDER FOR TEMPORARY MOTION TO STAY</b></p>
--	--

Petitioner Amplify Education Inc.'s Motion to Stay the award of the contract to Imagination Station, Inc. during the pending administrative review proceedings is GRANTED upon review of the record and briefs submitted by counsel.

SO ORDERED.

This the 19<sup>th</sup> day of August, 2019.



Secretary J. Eric Boyette  
Hearing Officer

## **CERTIFICATE OF SERVICE**

The undersigned certifies that, on the date shown below, the Department of Information Technology sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

J. Mitchell Armbruster  
Edward F. Roche  
Smith, Anderson, Blount, Dorsett, Mitchell. & Jernigan, L.L.P.  
P.O. Box 2611  
Raleigh, NC 27602  
marmbruster@smithlaw.com  
eroche@smithlaw.com

Philip Thomas  
North Carolina Department of Public Instruction  
301 N. Wilmington Street  
6301 Mail Service Center  
Raleigh, NC 27699-6301  
Philip.thomas@dpi.nc.gov

Kieran J. Shanahan  
Brandon S. Neuman  
Andrew D. Brown  
Shanahan Law Group, PLC  
128 E. Hargett Street, Suite 300  
Raleigh, NC 27601  
kieran@shanahanlawgroup.com  
bneuman@shanahanlawgroup.com  
abrown@shanahanlawgroup.com

This the 19<sup>th</sup> day of August, 2019.

**BEFORE THE CHIEF INFORMATION OFFICER  
STATE OF NORTH CAROLINA  
DEPARTMENT OF INFORMATION TECHNOLOGY  
Proceeding No. 000-1000A**

AMPLIFY EDUCATION, INC., Petitioner,  v.  NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION, IMAGINATION STATION, INC., Respondent.	<b>NOTICE OF CONTESTED CASE</b>
---	---------------------------------

**NOTICE IS HEREBY GIVEN** that a request for administrative hearing pursuant to 09 NCAC 6B .1102(f) and 09 NCAC 6B .1103 was filed in and accepted by Department of Information Technology on August 2, 2019. In accordance with 09 NCAC 6B .1102 and 09 NCAC 06B .1104 Secretary J. Eric Boyette will serve as the Hearing Officer in this case. The Hearing Officer may be contacted by mail at 3700 Wake Forest Road, Raleigh, N.C. 27619-7209, or by telephone at 919-754-6000.

The Respondents shall submit, within 30 days, a copy of the document constituting agency action, which caused the filing of the Petition.

A copy of any document or other pleading filed with the Department of Information Technology must also be sent to the other parties at the time of filing. If a party changes its mailing address, or if the address is incorrect, the Department of Information Technology must be notified of the new or corrected address.

**NOTE:** Attached is an Order for Prehearing Statements. You **MUST** complete the Order for Prehearing Statements and return it to our office within **30 days**.

This the 19<sup>th</sup> day of August, 2019.

## CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Department of Information Technology sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

J. Mitchell Armbruster  
Edward F. Roche  
Smith, Anderson, Blount, Dorsett, Mitchell, & Jernigan, L.L.P.  
P.O. Box 2611  
Raleigh, NC 27602  
marmbruster@smithlaw.com  
eroche@smithlaw.com

Philip Thomas  
North Carolina Department of Public Instruction  
301 N. Wilmington Street  
6301 Mail Service Center  
Raleigh, NC 27699-6301  
Philip.thomas@dpi.nc.gov

Kieran J. Shanahan  
Brandon S. Neuman  
Andrew D. Brown  
Shanahan Law Group, PLC  
128 E. Hargett Street, Suite 300  
Raleigh, NC 27601  
kieran@shanahanlawgroup.com  
bneuman@shanahanlawgroup.com  
abrown@shanahanlawgroup.com

This the 19<sup>th</sup> day of August, 2019.

**BEFORE THE CHIEF INFORMATION OFFICER  
STATE OF NORTH CAROLINA  
DEPARTMENT OF INFORMATION TECHNOLOGY  
Proceeding No. 000-1000A**

<b>AMPLIFY EDUCATION, INC.,</b> Petitioner,  v.  <b>NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION, IMAGINATION STATION, INC.,</b> Respondent.	<b>ORDER FOR PREHEARING STATEMENTS</b>
---	--

**Please complete this form and mail the original and one copy to the Department of Information Technology, 3700 Wake Forest Road, Raleigh, NC 27609-6700; mail a copy to the other party and keep a copy for your records.**

**This Prehearing Statement must be filed and served within 30 days of the date of this ORDER. Failure of a party to comply with this Order for Prehearing Statements may result in the imposition of one or more of the sanctions set forth in 09 NCAC 06B. 0114 against the non-complying party, which may include the dismissal of the Petition if Petitioner fails to comply, or other appropriate sanctions against the Respondent if Respondent fails to comply.**

In order to permit the prompt preparation of this case for hearing,

IT IS HEREBY ORDERED, pursuant to 09 NCAC 06B .1106, that each party file with the Department of Information Technology and serve upon the other parties a Prehearing Statement containing your present position with regard to the following:

1. **The issue(s) to be resolved** (additional pages may be attached if needed):

---

---

---

2. **A brief statement of the facts and reasons supporting the issue(s) in dispute** (additional pages may be attached if needed):

---

---

---

---

---

3. **The statutes, rules, and legal precedent, if known** (additional pages may be attached if needed):

---

---

---

4. **A list of proposed witnesses you may call at the hearing** (additional pages may be attached if needed):

---

---

5. **Whether you wish to pursue discovery. If so, the estimated length of time required.** (Discovery is a technical term used in the law that references acquiring of previously unknown facts and information about the case by one party from the other party through compliance with the specific rules governing pretrial procedures such as depositions, interrogatories and exchanging of exhibits, and the preparation time each party will need in order to be ready for hearing):

---

6. **If you received a Scheduling Order, is the date and location of the hearing acceptable? If not, you must file a separate motion requesting a change.**

---

7. If you do not have an attorney representing you in this contested case, please provide the following information in order to receive communications from this Office. You are required to notify this office of any changes in this information:

Home address: \_\_\_\_\_

Business address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Cell number: \_\_\_\_\_

Fax number: \_\_\_\_\_ Email address: \_\_\_\_\_

8. **Estimated length of hearing:**

\_\_\_\_\_

9. **Other special considerations** (additional pages may be attached if needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
YOUR SIGNATURE

\_\_\_\_\_  
PRINT YOUR NAME

This the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

## CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

J. Mitchell Armbruster  
Edward F. Roche  
Smith, Anderson, Blount, Dorsett, Mitchell, & Jernigan, L.L.P.  
P.O. Box 2611  
Raleigh, NC 27602  
marmbruster@smithlaw.com  
eroche@smithlaw.com

Philip Thomas  
North Carolina Department of Public Instruction  
301 N. Wilmington Street  
6301 Mail Service Center  
Raleigh, NC 27699-6301  
Philip.thomas@dpi.nc.gov

Kieran J. Shanahan  
Brandon S. Neuman  
Andrew D. Brown  
Shanahan Law Group, PLC  
128 E. Hargett Street, Suite 300  
Raleigh, NC 27601  
kieran@shanahanlawgroup.com  
bneuman@shanahanlawgroup.com  
abrown@shanahanlawgroup.com

This the 19<sup>th</sup> day of August, 2019.



**BEFORE THE CHIEF INFORMATION OFFICER  
STATE OF NORTH CAROLINA  
DEPARTMENT OF INFORMATION TECHNOLOGY  
Proceeding No. 000-1000A**


<b>AMPLIFY EDUCATION, INC.,</b> Petitioner,  v.  <b>NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION, IMAGINATION STATION, INC.,</b> Respondent.	<b>PREHEARING SCHEDULING CONFERENCE ORDER</b>
---	---

The undersigned has established the following Prehearing Scheduling Conference Order. This Scheduling Order may be later amended in the discretion of the Hearing Officer, based upon information provided in the parties' Prehearing Statements. The parties will be notified of any changes by way of an Amended Scheduling Order.

1. The conference for this contested case will be in Raleigh, North Carolina on October 8th at the Department of Information Technology.
2. A scheduling conference will be conducted on the aforementioned date to determine a schedule for proceeding.

IT IS SO ORDERED.

This the 19<sup>th</sup> day of August, 2019.

  
\_\_\_\_\_  
J. Eric Boyette  
State Chief Information Officer

## CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Department of Information Technology sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

J. Mitchell Armbruster  
Edward F. Roche  
Smith, Anderson, Blount, Dorsett, Mitchell, & Jernigan, L.L.P.  
P.O. Box 2611  
Raleigh, NC 27602  
marmbruster@smithlaw.com  
eroche@smithlaw.com

Philip Thomas  
North Carolina Department of Public Instruction  
301 N. Wilmington Street  
6301 Mail Service Center  
Raleigh, NC 27699-6301  
Philip.thomas@dpi.nc.gov

Kieran J. Shanahan  
Brandon S. Neuman  
Andrew D. Brown  
Shanahan Law Group, PLC  
128 E. Hargett Street, Suite 300  
Raleigh, NC 27601  
kieran@shanahanlawgroup.com  
bneuman@shanahanlawgroup.com  
abrown@shanahanlawgroup.com

This the 19<sup>th</sup> day of August, 2019.